

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

UNITED STATES OF AMERICA,

ORDER

Plaintiff,

v.

10-cr-188-bbc

DEMETRIUS PETTY,

Defendant.

Defendant Demetrius Petty has written to the court to ask for appointment of counsel to assist him in filing a motion for a sentencing reduction under 18 U.S.C. § 3582. Dkt. #210. He contends that because he was sentenced for possession with intent to distribute cocaine base (crack cocaine) and the guidelines for crimes involving distribution of crack cocaine have been lowered and given retroactive effect, he is entitled to a reduction in his sentence. He is mistaken. Under 21 U.S.C. § 841(b)(1), defendant was sentenced to a mandatory term of 10 years. That term was set by statute and can be changed only by an Act of Congress. It is not affected by changes in the sentencing guidelines.

ORDER

Defendant Demetrius Petty's motion for appointment of counsel is DENIED as unnecessary.

Entered this 16th day of July, 2015.

BY THE COURT:

/s/

BARBARA B. CRABB

District Judge